



# City of NORFOLK

C: Dir., Norfolk Commonwealth's Attorney's Office

To the Honorable Council  
City of Norfolk, Virginia

June 28, 2016

From: Gregory D. Underwood  
Norfolk Commonwealth's Attorney

**Subject:** Victim/Witness Assistance  
Program Grant – Additional Grant  
Funding

Reviewed: Morgan A. Whayland  
Morgan A. Whayland  
Assistant to the City Manager

**Ward/Superward:** Citywide

Approved: Marcus D. Jones  
Marcus D. Jones, City Manager

**Item Number:** **R-6**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Norfolk Commonwealth's Attorney's Office

III. **Description:**

This agenda item is an ordinance to accept an additional \$52,074 in grant funding from the Virginia Department of Criminal Justice Services (the "VDCJS") for the continuation of the FY 2016 Victim/Witness Assistance Program (the "Program"). The additional grant funds bring the total amount awarded in FY 2016 to \$399,236. The additional funding authorizes the hiring of one (1) additional person for the Program in a special project employment status.

IV. **Analysis**

The Program grant provides continuation of funding for eight (8) persons, plus one (1) additional Protective Order Victim Advocate, who will assist crime victims inside and outside of the courtroom by encouraging their cooperation and participation in the Program, as well as increasing their understanding of the criminal justice system and their rights as explained in the Victims' Bill of Rights.

V. **Financial Impact**

There is no local matching or percentage funding requirement for this Grant.

VI. **Environmental**

N/A

**VII. Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

N/A

**IX. Coordination/Outreach**

This letter has been coordinated with the Commonwealth Attorney's Office and the City Attorney's Office.

Supporting Material from the Commonwealth Attorney's Office

- Ordinance

Form and Correctness Approved *RAV*

By *[Signature]*  
Office of the City Attorney

Contents Approved:

By *[Signature]*  
DEPT. Commonwealth Attorney's Office

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose. *AMS*

*8H* \$ 399,266<sup>00</sup> 2275-120-8109-8996  
*[Signature]* Account  
Director of Finance 6/10/16  
Date

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE ACCEPTING \$52,074.00 IN ADDITIONAL GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR THE CONTINUATION OF THE FY16 VICTIM/WITNESS ASSISTANCE PROGRAM, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE ADDITIONAL GRANT FUNDS FOR THE PROGRAM AND AUTHORIZING THE HIRING OF ONE (1) ADDITIONAL PERSON FOR THE PROGRAM IN A SPECIAL PROJECT EMPLOYMENT STATUS.

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WHEREAS, by Ordinance No. 46,076 adopted on September 15, 2015 (copy attached), City Council accepted, appropriated and authorized \$347,162.00 in grant funding from the Virginia Department of Criminal Justice Services for the Victim/Witness Assistance Program and authorized the hiring of eight (8) persons for the Program; and

WHEREAS, the City has been notified of additional grant funding in the amount of \$52,074.00; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That \$52,074.00 in additional grant funding from the Virginia Department of Criminal Justice Services for the continuation of the FY16 Victim/Witness Assistance Program is hereby accepted.

Section 2:- That the \$52,074.00 in grant funds are



hereby appropriated and authorized to be expended for the FY16 Victim/Witness Assistance Program, according to the terms and conditions of the Victim/Witness Assistance Program, if and when the funds are made available from the Virginia Department of Criminal Justice Services.

Section 3:- That the City Manager is hereby authorized to employ an additional one (1) person in the Victim/Witness Assistance program, in a Special Project employment status, which person shall be entitled to participate in health insurance programs and other benefits, as eligible, made available to permanent, full-time City employees. Such special project employee serves at the will of the City Manager with regard to continued employment and serves with no right to grieve any employment action. The City Manager's administrative assignment of such employee to the operational supervision and control of a Constitutional Officer or other non-City agency shall not affect employment status, which shall continue to be governed by City Code Section 2.1-10 et seq. The Commonwealth's Attorney shall notify the City's Director of Human Resources immediately upon taking such action to terminate the placement of such special project employee in his office, so that the City Manager may review City employment status and timely make his decision regarding continued employment.

Section 4:- That this ordinance shall be in effect from and after its adoption.



# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

Francine C. Ecker  
Director

February 4, 2016

1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
TDD (804) 386-8732

### REVISED

Mr. Marcus D. Jones  
City Manager  
City of Norfolk  
810 Union Street, Ste 1101  
Norfolk, VA 23510

RE: Grant No.: 16-V8576VG15  
Revised Victim Witness Program Award

Dear Mr. Jones:

The original grant award information, dated July 13, 2015, has been revised to reflect an increase in the total amount of awarded funds for Fiscal Year 2016. The additional amount has been added to the Supplies/Other Budget Category. Please submit a revised budget as outlined in the email dated January 20, 2016 from John Mahoney.

Enclosed you will find a "*revised*" Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

We apologize for any inconvenience and will be happy to assist you in any way we can to assure your project's success. If you have any questions regarding this matter, please contact Julia Fuller-Wilson at (804) 371-0386.

Sincerely,

Janice Waddy  
Grants Administrator

Enclosures

cc: The Hon. Gregory D. Underwood, Commonwealth's Attorney  
Mr. James Sutton, Finance Officer  
Ms. Julia Fuller-Wilson, DCJS Monitor



## Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

### Statement of Grant Award/Acceptance

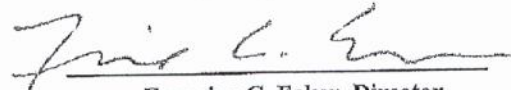
Subgrantee: Norfolk City		Date: February 02, 2016	
Grant Period:		Grant Number:	
From: 07/01/2015	Through: 06/30/2016	16-V8576VG15	

Project Director	Project Administrator	Finance Officer
The Hon. Gregory D. Underwood Commonwealth's Attorney City of Norfolk 800 E. City Hall Ave., Ste 600 Norfolk, VA 23510  Phone: (757) 664-4835 Email: gregory.underwood@norfolk.gov	Mr. Marcus D. Jones City Manager City of Norfolk 810 Union Street, Ste 1101 Norfolk, VA 23510  Phone: (757) 664-4242 Email: marcus.jones@norfolk.gov	Mr. James Sutton Finance Officer City of Norfolk 810 Union Street, Ste. 600 Norfolk, VA 23510  Phone: (757) 664-4482 Email: james.sutton@norfolk.gov

### Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$0	\$6,072	\$0	\$0	\$6,072
Supplies/Other	\$52,074	\$4,700	\$0	\$0	\$56,774
Personnel	\$0	\$334,490	\$0	\$0	\$334,490
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$1,900	\$0	\$0	\$1,900
Consultant	\$0	\$0	\$0	\$0	\$0
Totals	\$52,074	\$347,162	\$0	\$0	\$399,236


This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

  
Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

  
3/1/16



# STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services  
1100 Bank Street  
Richmond, Virginia 23219



## For the Victim Witness Assistance Grant Program – Localities

Subgrantee: Norfolk City

Grant Number: 16-V8576VG15

Federal Catalog Number: 16.575

Title: Victim Witness Program

Date: February 4, 2016

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:

- to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
- to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
- to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application;
- to comply with the "Victim/Witness Grant Program Fiscal Year 2015 and 2016 Program Guidelines and Application Procedures," dated March 25, 2014 and its Attachments. This includes compliance with Attachment 6-- "Final Program Guidelines, Victims of Crime Act, FFY 1997, Victim Assistance Program," and includes a requirement that subgrantees maintain daily time and attendance records. (See Section B,8).

2. The subgrantee agrees to submit, on or before scheduled due dates, such reports as requested by DCJS on required forms. This includes filing required reports using the Client Information Management System (CIMS) and the online Grants Management Information System (GMIS).

3. The subgrantee agrees that it and all its contractors will comply with the following federal civil rights laws as applicable:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding for inherently religious activities (28 C.F.R. Part 38).
- The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination in both employment and the delivery of services or benefits based on race, color, national origin, religion, and sex in JJDP-funded programs or activities (42 U.S.C. § 5672(b)).
- Section 1407 of the Victims of Crime Act (VOCA), as amended, which prohibits discrimination in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and disability in VOCA-funded programs or activities. (42 U.S.C. § 10604).



## Statement of Grant Award Special Conditions (Continued)

Grant No: 16-V8576VG15

4. The Subgrantee agrees that none of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.
5. The Subgrantee agrees that notwithstanding any other provisions of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat 1267; 5 U.S.C. App) and section 3145 of title 40, United States Code.
6. The Subgrantee will promptly refer to DOJ's Office of the Inspector General any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either (1) submitted a false claim for grant funds under the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds.
7. The Subgrantee cannot use any federal funds, either directly or indirectly, in support of any contact or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP. In addition, the grantee will provide OVC with a draft copy of the letter of special condition for approval within 15 days.
8. The subgrantee agrees that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
9. Grant funds, including state and local match, may be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all received and unexpended grant funds (exclusive of local match) to DCJS within 90 days after the end of the grant liquidation period.
10. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
11. Subgrantee may follow their own established travel rates if they have an established travel policy. If subgrantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. Please refer to the following IRS website for the most current mileage rate: <http://www.irs.gov/taxpros/article/0,,id=156624,00.html>. Transportation costs for air and rail must be at coach rates.
12. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds.
13. No amendment to the approved budget may be made without the prior approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the online Grants Management Information System, (GMIS), accompanied with a narrative. No budget amendments will be allowed after April 30, 2016.
14. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.
15. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS. Permission to make sole source procurements must be obtained from DCJS in advance.



## Statement of Grant Award Special Conditions (Continued)

Grant No: 16-V8576VG15

16. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.
17. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.
18. **PROJECT INCOME:** Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).
19. The recipient is required to certify and ensure that all aspects of personnel management and employment practices will be conducted in accordance with their local unit of government or state agency procedures, promoting equal employment opportunity. For example, the recipient must advertise for positions, interview candidates, hire, supervise, discipline, and separate program personnel in accordance with their local unit of government or state agency procedures promoting equal employment opportunity. Additionally, grantees must promptly notify DCJS whenever grant funded positions are vacated and must notify DCJS when such positions are filled.
20. All new Computer Processing Units (CPU's) purchased with grant funds must be protected by anti-virus software, which must be updated, as necessary. Before purchasing new computer equipment, the recipient is strongly encouraged to consult DCJS' IT Contact Specialists at (804) 786-4576 or (804) 225-4868.
21. In accordance with VOCA guidelines, grant funds may support membership in no more than three appropriate organizations.
22. No more than 5% of grant funded staff hours may be devoted to the provision services to witnesses.
23. Costs, including staff time, associated with the preparation of subpoenas cannot be supported with grant funds.
24. Email and internet access funded through the grant must be for official program use only.
25. Any non-federal cash awarded in excess of 20% of the total grant award shall not be considered match. These non-federal funds are the only DCJS grant funds which may support appropriate service coordination or other appropriate activities advancing the delivery of direct services which may not be supported with federal funds.  
  
Coordination activities may include serving on state or local task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims.
26. When there is any personnel change in the program, the recipient agrees to submit the DCJS Program Change/ Update form available on the DCJS website at: <http://www.dcjs.virginia.gov/forms/sectionForms.cfm?code=9&program=victims>.
27. Subgrantee agrees that DCJS, the Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFC) and its representatives shall be granted access to and the right to examine all records, books, paper or documents related to the VOCA grant.

## Statement of Grant Award Special Conditions (Continued)

Grant No: 16-V8576VG15

28. Unless otherwise stated, Special conditions listed in item 29 must be met by September 30, 2015. If they remain unmet after this date, then the subgrantee must report to DCJS, by letter, the steps taken to achieve compliance, the reasons for non-compliance, and the expected date of compliance. DCJS may terminate grant funding based upon unexplained or unreasonable failure to substantially comply with special conditions within reasonable specified timeframes.
29. Prior to DCJS disbursing funds, the Subgrantee must comply with the following special conditions:
  - a) Submit an itemized budget and budget narrative as outlined in the January 20, 2016 e-mail from John Mahoney. Completed documents should be returned to: [grantsmgmt@dcjs.virginia.gov](mailto:grantsmgmt@dcjs.virginia.gov).